

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/556,009
Applicant(s): Johannes Petrus Maria Ansems, et al.
Filed: November 8, 2005
TC/A.U.: 2800/2879
Examiner: Thomas A. Hollweg
Atty. Docket: NL030699US1
Confirmation No.: 4549
Title: METAL HALIDE LAMP AND VEHICLE HEADLAMP

PRE-APPEAL REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the concurrently filed Notice of Appeal, Applicants respectfully request reconsideration of the application in light of the following remarks.

Claims 1 and 3-12 are pending in the application. Claim 1 is the independent claim.

Rejections under 35 U.S.C. § 102

Claims 1, 5-7 and 9-12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Tiesler-Wittig* (U.S. Patent Application Publication 20030031026). For at

least the reasons set forth below, Applicants respectfully submit that all claims are patentable over the applied art.

a. Claim 1

Claim 1 recites:

1. *A metal halide lamp, comprising:*

a cylindrically-shaped discharge vessel along a longitudinal axis, said discharge vessel having a ceramic wall which encloses a discharge space comprising Xe and an ionizable filling, and

*an outer bulb surrounding the discharge vessel along the longitudinal axis, a portion of a surface of the outer bulb facing away from the discharge vessel being shaped as a negative lens, **the discharge vessel and the outer bulb defining a circumferential space therebetween**, wherein the portion with respect to the longitudinal axis encompasses a segment of the outer bulb with a segment angle α in a range between $20^\circ \leq \alpha \leq 110^\circ$.*

The Office Action directs Applicants to Figs. 1, 1a, 2 and 2a of *Tiesler-Wittig* in the rejection for the alleged disclosure of the emphasized features of claim 1. Applicants respectfully submit that there is no disclosure of a **circumferential** space between the discharge vessel 16 and the outer bulb 20, but rather the lenses 30 *Tiesler-Wittig* **abut** the outer bulb 20 as shown plainly in Figs. 1. Because the lenses 30 abut the outer bulb 20, there **can be no circumferential space** between the discharge vessel 16 and the outer bulb 20. Accordingly, Applicants respectfully submit that the applied art fails to disclose a **circumferential space** between the discharge vessel 16 and the outer bulb 20 of *Tiesler-Wittig* as specifically recited in claim 1.

The Office Action directs Applicants to paragraph [0033] of *Tiesler-Wittig* for the alleged teaching of the circumferential space as specifically recited in claim 1. Applicants respectfully submit that while the inner diameter of the outer bulb 20 is disclosed as being slightly greater than outer diameter of the of the discharge vessel 16, this does not equate to there being a **circumferential** space between the discharge vessel

16 and the outer bulb 20 of *Tiesler-Wittig*. To this end, the lenses 30 are provided as shown in Fig. 1, for example, and clearly about the discharge vessel 16. Therefore, lenses 30 occupy space such as shown in Fig. 1 of *Tiesler-Wittig* and preclude the existence of a circumferential space between the discharge vessel 16 and the outer bulb 20. Applicants therefore respectfully submit that the Examiner's position is **clearly in error**.

In the Response to Arguments at pages 6-7 of the Office Action, the Examiner states:

"Applicant argues that the prior-art reference, *Tiesler-Wittig*, does not disclose the newly added claim limitation, where the discharge vessel and the outer bulb define a circumferential space therebetween. Although this feature is only clearly shown in figures 1, 2 and 2a, it is described in the specification, paragraph [0033], stating the 'bulb is a glass tube with an inner diameter which is only slightly greater than the outer diameter of the discharge vessel 16.' The slight difference leaves a circumferential space between the discharge vessel and the outer bulb."

Applicants respectfully rebut the assertion in the Office Action that the slight difference in the inner circumference of the glass tube 20 and the outer circumference of the discharge 16 **necessarily** presents a circumferential space between the discharge vessel 16 and the outer bulb 20. Notably, the lenses 30 are provided between the outer bulb 20 and the discharge vessel 16 as discussed above, precluding the existence of a circumferential space therebetween. Therefore, Applicants respectfully submit that the Examiner's position is **clearly erroneous**.

Applicants also disagree with the assertion that Figs. 1a, 2 and 2a of *Tiesler-Wittig* show a circumferential space between the discharge vessel 16 and the outer bulb 20.

Fig. 1a of *Tiesler-Wittig* shows a side elevation from another viewpoint (See paragraph [0038]). As plainly shown in Fig. 1a, the lenses 30 are disposed between the discharge vessel 16 and the outer bulb 20. As such, there is **no circumferential** space between the discharge vessel 16 and the outer bulb 20.

Figs. 2 and 2a are described in paragraphs [0039] to [0040] of *Tiesler-Wittig*:

[0039] The second position of the outer bulb 20, in which the lenses 30 are arranged laterally of the discharge vessel 16 to the right and to the left, is also visible in FIG. 2a. The lamp base 12 with the retaining grooves for an exact positioning in a holder is still in the same position as in FIG. 2. The outer bulb 20 has been rotated through 90°, with respect to FIG. 2 through rotation of the rotary ring (not shown) inside the lamp base 12. [0040] The lamp 10 thus has the lenses 30 as the optically active elements, which are active each in an approximately 90° wide angular region in the first position, above and below the discharge 17, so that the discharge 17 appears to be shifted when viewed from these directions. Viewed from the regions to the right and the left, laterally of the discharge 17, also 90° wide each, the lenses 30 are not active, so that the discharge 17 is visible in its actual location. In the second position, the picture is rotated through 90°, so that now the discharge 17 is directly visible in the regions above and below the discharge, but viewed laterally only through the lenses 30, so that it seems to be shifted.

A review of these paragraphs fails to reveal the description of a circumferential space as specifically recited in claim 1. Moreover, Applicants respectfully submit that there is no space shown between the discharge vessel 16 and the outer bulb 20 in either of Figs. 2 and 2a; and in Fig. 3, the discharge vessel 16 is shown enveloped by and in contact with the lenses 30. Applicants therefore respectfully submit that the Examiner's position is **clearly erroneous**.

For at least the reasons set forth above, Applicants respectfully submit that *Tiesler-Wittig* fails to disclose at least one feature of claim 1. Therefore, a *prima facie* case of anticipation has not been established, and claim 1 is patentable over the applied art.

b. General Comments on Rejections of Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

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